

REMARKS

Claims 15-18 are newly added and are supported by the specification, including page 4, paragraphs 2-5 of the substitute specification.

Regarding the objection to misnumbered claim 8 in the Amendment received February 10, 2003, the claim listing in the present Amendment is thought to properly present and number the claims.

In regard to the rejection of claims 1-12 under 35 U.S.C. §103(a), Applicant respectfully submits that claim 1 and claims 2-12 which depend from claim 1 are patentable over Eul, DE 196 10 840 A1, and Basso, U.S. No. 6,317,131 because the cited references are directed to nonanalogous art that is not combinable. Additionally, even if the references are considered analogous prior art, there is no suggestion or teaching to combine Eul and Basso within the references without the advantage of the hindsight that comes from the knowledge of the present invention.

The present application relates to a method for terminal assisted menu presentation of value added services in mobile communication systems. Objects are loaded into the mobile station to assist in using a value added services node. In particular, the objects facilitate the operation between a mobile station user and value added services node in that the menu presentation of value added services is provided by the objects which are selected and loaded into the mobile station.

In contrast, while Eul is directed to an apparatus that includes a mobile communication terminal, the method disclosed by Eul relates to downloading of electronic games, not objects that provide a menu presentation of value added services.

Basso is nonanalogous art because the reference does not relate to mobile communication terminals at all. Specifically, Basso is directed to a method and apparatus for improving the quality of multimedia data being received at a computer terminal. Basso is not directed to and does not disclose communication networks, wireless or otherwise, or to objects that provide a menu presentation.

Even if Eul and Basso could be combined without the advantage of hindsight of the present invention, Applicants respectfully submit that claims 1-12 are nonobvious over Eul in view of Basso.

Eul discloses a procedure to load electronic games for a mobile communication transmitter. The communication transmitter queries about electronic games emitted by a control device, a game is then selected by means of a dialogue controlled by the input device

of the communication transmitter, and the data and/or program associated with the game is then transmitted from the control device to the communication transmitter (Eul translation, pages 2-3, 5). The dialogue between the service control unit and mobile communication transmitter occurs in a speech channel or short message service of a GSM mobile radio system (page 13). The games are offered by the service control unit in the form of a menu or table (page 14). Dialogue appears to refer to the data or speech communication between the control device and the communication transmitter and not to a program or menu that is loaded and stored in the communication transmitter.

In contrast, Applicant's claim 1, from which claims 2-12 also depend, calls for a method for terminal assisted menu presentation of value added services in mobile communication systems where objects are loaded in a mobile station, including value added services offered with the objects, the objects including at least one of executable programs, functions and data, the objects automatically adapting to the technical capabilities of the mobile station, and wherein the technical capabilities of the mobile station are stored in a special database.

Neither Eul nor Basso, separately or in combination, suggest a terminal assisted menu presentation of value added services where the menu is provide by objects loaded in a mobile station. The references also do not suggest objects that automatically adapt to the technical capabilities of the mobile station. The references also do not suggest the technical capabilities of a mobile station being stored in a special database for subsequently selecting and loading into the mobile station objects suitable to the technical capabilities of the mobile station. "Dialogue" disclosed by Eul does not constitute objects that provide a terminal assisted menu presentation of value added services.

Additionally, Basso does not suggest objects which automatically adapt to the technical capabilities of a mobile station. Instead, Basso discloses in Fig. 4 switch 402 which selects between sub-scenes 403a-c (column 7, lines 42-46), thus alternative data are selected depending upon a terminal's capability. The present application describes objects that automatically adapt to the technical capabilities as polymorphic (replacement specification, pages 2-3).

Therefore, even if combinable, Eul and Basso do not teach all the recitations of Applicant's claim 1, from which claim 2-12 also depend.

Regarding the rejection of claim 3, neither reference discloses loading and modifying the objects in loading stations provided by a special dealer or special provider. The loading

stations disclosed in the specification (page 4) include a card reading and writing device 11. In contrast, Eul only discloses wireless communication with the communication transmitter and Basso does not disclose or suggest a form of communication. The loading station called for by claim 3 is not part of wireless interface 5 and is therefore is not obvious over Eul in view of Basso.

Regarding the rejection of claim 4, while Eul discloses the use of a menu during a dialogue between a control device and the communication transmitter, Applicant's claim 4 calls for generating and displaying, with the aid of objects, fully or in part a menu for value added services node. Eul and Basso do not suggest objects that aid the generating and displaying of a menu.

Regarding the rejection of claim 5, while Eul does disclose loading game programs based on menu selections, Eul and Basso do not suggest changing, adjusting, or updating the menu by means of loading a new object as called for by Applicant's claim 5.

Regarding the rejection of claim 6, while Eul does disclose loading games into a communication transmitter and Basso does disclose receiving multimedia data, Eul and Basso do not suggest loading objects that are stored in an object center of the mobile communication system where the objects provide menu presentation of value added services.

Regarding the rejection of claim 7, while Eul does disclose loading game programs into the memory of the communication transmitter, Eul and Basso do not suggest also loading objects which are used to provide menu presentation of value added services into the memory of a mobile terminal.

Regarding the rejection of claims 11 and 12, while Eul does disclose loading game programs based on selecting a menu key of a communication transmitter, Eul and Basso do not suggest loading and modifying objects which is initiated by means of selected events or by the subscriber for objects used to provide menu presentation of value added services.

Regarding the rejection of claim 8 under 35 U.S.C. §103(a), Eul and Basso disclose the subject matter described above, and Michaels U.S. No. 6,011,976 discloses a telecommunication system having a cellular mobile radio which includes a subscriber identify module (SIM cards) which stores a directory such as a set of telephone numbers for commonly used services such as hotels, car hire or airline reservations (column 1, lines 58-62).

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In contrast, Applicant's claim 8 calls for loading objects into memory of the subscriber identity module. The objects are used to provide menu presentation of value added services and the value added services are accessible via value added services nodes.

In view of the foregoing, Applicant respectfully submits that claims 1-7 and 9-12 are not obvious over Eul in view of Basso and that claim 8 is not obvious over Eul in view of Basso and further in view of Michaels. New Claims 15-18 add further limitations not rendered obvious by Eul or Basso and are therefore patentable over the prior art of record.

In view of the foregoing, Applicant further submits that the application, as amended, is in condition for allowance and such favorable action is respectfully requested. In the event any additional extension of time or payment of fee is required, Applicant hereby conditionally petitions therefor and authorizes any charges to be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any questions or suggestions that would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at 260-460-1692.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: February 9, 2004

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February 9, 2004
Date